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March 19, 2009

Ms. Becky Victorine
Bureau of Reclamation
2800 Cottage Way, MP-410
Sacramento, CA 95825

Sent via electronic mail to rvictorine@mp.usbr.gov

RE: Draft Environmental Assessment (EA) and Draft Finding of No Significant Impact (FONSI)
for the 2009 Drought Water Bank

Dear Ms. Victorine:

The Planning and Conservation League Foundation (PCLF) writes to express our concern regarding the issuance of a Draft FONSI for the 2009 Drought Water Bank, as proposed. PCLF requests that the Bureau immediately halt discretionary activities related to the 2009 DWB and complete a full Environmental Impact Statement (EIS). Since the California Governor has exempted the 2009 Drought Water Bank from California Environmental Quality Act (CEQA) review and the Department of Water Resources has issued a Notice of Exemption for the program, PCLF is concerned that the potential environmental impacts of the DWB will go unacknowledged and unmitigated. Therefore, PCLF must oppose the 2009 DWB project as defined by these NEPA documents. 4-1

Groundwater Substitution Transfers

According to this EA, 56,600 AF of surface water would potentially be transferred and replaced by pumping that same amount from the Tuscan Aquifer. Cumulatively, the 2009 DWB could result in the pumping of up to 261,550 AF of water from the north of the Sacramento-San Joaquin Delta Estuary, as indicated in the March 4th version of Department of Water Resources' (DWR) Addendum for the DWB. 4-2

This document provides no reference to the third-party impacts that resulted from groundwater pumping during earlier Drought Water Bank programs – particularly, the incidents in the Cherokee Strip during the 1994 program. During that Drought Water Bank, private residential and agricultural pumps were unusable, damaged and in some cases defunct. Without acknowledgement of these historic impacts caused by large scale groundwater pumping associated with Drought Water Banks, it appears that the EA does not fully consider the potential impacts of this project and the probability of those same events reoccurring under this proposal. This absence of that analysis indicates that a full EIS is necessary. 4-3

Unsubstantiated Modifications to Protections for the Giant Garter Snake


The Environmental Assessment references measures to offset potential effects of rice crop idling and crop substitution on the Giant Garter Snake that are included in a Draft Biological Opinion issued for the Environmental Water Account in 2004 with proposed changes, including doubling the allowable acreage for cropland fallowing from 160 to 320 acres. While the document provides a brief explanation of the increase, it does not indicate that the decision to alter the United States Fish and Wildlife's 2004 determination, was made through consultation with the Service or is substantiated by a new Biological Opinion for the Giant Garter Snake. Therefore we find the Bureau's given justification for doubling of the maximum acreage inadequate to conclude no significant impact to the Giant Garter Snake.

4-4

PCLF recognizes the need for a reliable and strategic statewide drought program, as was the intent behind the proposed Supplemental Water Purchase Program in 1996. However, full environmental review consistent with environmental laws must accompany any such long-term program.

4-5

Sincerely,



Charlotte Hodde
Water Policy Analyst